

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Yvonne Sagapolutele, individually
and as representative of the Estate
of Pio Sagapolutele, Deceased
on behalf of herself and
others similarly situated,
Plaintiff / Absent Class Member

V.

National Football League and
NFL Properties LLC,
Successor-in-interest to NFL Properties,
Inc.,
Defendants

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

Civ. Action No. 14-00029-AB

NOTICE OF JOINDER BY

Come Now, Attorneys Justin B. Demerath and David Campbell of O'Hanlon, Demerath & Castillo, PC and their clients, the following class members:

1. Vickie Daupert (daughter of Victor W. Jones, deceased);
2. John H. Baker, III (son of John H. Baker, Jr., deceased);
3. Victor G. Caison Washington (son of Victor A. Washington,

deceased);

4. Lisa A. Chamberlin (wife of Frank J. Chamberlin, deceased);
5. Robin B. Cornish (wife of Frank E. Cornish, deceased);
6. Rhonda R. Duncan (wife of Clyde L. Duncan, Jr., deceased);
7. Margrit C. Dyko (mother of Christopher E. Dyko, deceased);
8. Andre Howard (brother of Thomas A. Howard, deceased);
9. Nina S. Hunter (on behalf of the estate of Timothy K. Cotton, deceased);
10. Donna Martin (on behalf of the estate of Fest J. Cotton, deceased);
11. Ellen A. Morin (wife of Milton D. Morin, deceased);
12. Holly Oliver (wife of Robert L. Oliver, deceased);
13. Gary R. Schuh (on behalf of the estate of William D. Enyart, deceased);
14. Lenore Z. Stehouwer (wife of Ronald D. Stehouwer, deceased);
15. Mindy L. Stubbs (daughter of Robert G. Wharton, deceased); and
16. Rona C. Taylor (daughter of Altie Taylor, Jr., deceased)

(collectively “Death with CTE Class Members”) in the above-named and numbered cause of action. These Death with CTE Class Members hereby notify this Court and all parties that they do hereby join and adopt as applicable to these Death with CTE Class Members the *Motion to Modify the Amended Final Order and Judgment [ECF 6534] by Conforming the Definition of “Death with CTE” to the Version Contemplated in the Fairness Hearing*

Order [ECF 6479] and Noticed to the Class in the Long Form Notice [ECF 6479] and Summary Notice [ECF 6093-2] Pursuant to Rule 60 and the Authority Retained in the Settlement Agreement [ECF No. 8263] and the Memorandum of Law in support thereof, which were filed on August 15, 2017 and assert the following: (1) the May 8, 2015 deadline to obtain a Qualifying Diagnosis of Death with CTE that was added to the Settlement Agreement in February 2015 without notice to the Class needs to be removed; (2) the final judgment in this case must be modified because the deadline was incorporated into the Final Judgment and may prevent Class Members in Subclass 1 from obtaining a Qualifying Diagnosis of Death with CTE, thereby stripping these Class Members of their opportunity to recover settlement funds; and (3) the addition of this deadline materially prejudiced the constitutional due process rights of these Class Members, who received no meaningful notice of this prejudicial change to the Settlement.

These Death with CTE Class Members agree that the Final Order and Judgment should be modified to remove the deadline to obtain a Qualifying Diagnosis of Death with CTE and that the settlement administrator should be instructed to develop forms and procedures that allow Class Members to obtain a Qualifying Diagnosis of Death with CTE by obtaining a post-mortem diagnosis by a board-certified neuropathologist at any time during the 65-year

term of the Monetary Award Fund.

Dated: October 5, 2017

Respectfully Submitted:

/s/ Justin Demerath

Justin Demerath

Texas State Bar No. 24034415

David Campbell

Texas State Bar No. 24057033

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**Counsel for “Death with CTE Class
Members” *pro hac vice***

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing document was served electronically via the Court's electronic filing system on the 5th day of October, 2017, upon all counsel of record.

Dated: October 5, 2017

/s/ Justin Demerath
Justin Demerath